

Middletown Zoning Board Minutes

October 22, 2013

Administrative: Roll Call / Adoption of Minutes

Present: Chairman Peter Van Steeden, Vice Chairman Tom Silviera, James Miller Acting Secretary, Nicholas Pasyanos, and Robert Novick

Absent: Olin Gambrel, Steve MacGillvray and Charles Vaillancourt.

Motion was made by T. Silveira to accept the minutes seconded by Robert Novick

Approved 5 - 0

Continuances/Withdrawals:

Petition of: CVDD II, LLC- 235 Promenade Street- Providence, RI (owner) - for a Special Use Permit from Sections 1106- to allow for a self storage facility located in Zone 1 of the Watershed Protection District. Said real estate located at 1747 West Main Rd and further identified as Lot 8 on Tax Assessor's Plat 111.

Mr. Mesolella was present and requested to address the board. Matter was continued to November 26, 2013

Full Hearings:

Petition of: Carol Parker- 156 Morrison Ave- Middletown, RI (owner)- for a Special Use Permit from Article 1600 - to allow an accessory family dwelling unit. Said real estate located at 156 Morrison Ave and further identified as Lot 812 on Tax Assessor's Plat 120.

Linda Hoyle sister of owner and applicant was present and addressed the board. She is moving in with her sister to assist with childcare. Planning board and conservation commission forwarded positive advisories on the project. Ms. Hoyle presented Exhibit 1 which showed the new addition being moved to avoid the well.

Tom Silveira made a motion to approve the petition subject to the recommendations of the planning board.

Nick Pasaynos seconded.

Approved 5 - 0

Petition of: Carol Parker- 156 Morrison Ave- Middletown, RI (owner)- for a Special Use Permit from Section 1106 - to allow the construction of a garage addition in Zone 1 of the Watershed Protection District. Said real estate located at 156 Morrison Ave and further identified as Lot 812 on Tax Assessor's Plat 120.

Tom Silveira made a motion to approve the petition.

Robert Novick seconded

Approved 5 - 0

Petition of: Carol Parker- 156 Morrison Ave- Middletown, RI (owner)- for a Variance from Article 1600 - to allow an accessory dwelling unit to be occupied by the sister of the owner/ occupant of the dwelling. Said real estate located at 156 Morrison Ave and further identified as Lot 812 on Tax Assessor's Plat 120.

Tom Silveira made a motion to approve the petition as presented.

Robert Novick seconded

Approved 5 - 0

Petition of: Scott & Catherine McLeish- 4 Chestnut Hill Road- Middletown, RI (owners) - for a Variance from Sections 603, 701 & 702(D) - to install an 8' x 12' shed with a front yard setback of 5' where 25' is required. Said real estate located at 4 Chestnut Hill Rd and further identified as Lot 87 on Tax Assessor's Plat 107SE.

Mr. Scott McLeish addressed the board regarding the placement of the shed. The property is a corner lot and as such has two front yards. The shed will be placed along side the boundary with a commercial property.

**Tom Silveira made a motion to approve the petition as presented.
Jim Miller seconded.**

Approved 5 – 0

**Petition of: Elizabeth LaPierre- 15 Jean Terr- Middletown, RI (owner) -
for a Special Use Permit from Section 602- to allow a two family
dwelling. Said real estate located at 15 Jean Terr and further identified
as Lot 356 on Tax Assessor's Plat 105.**

**Ms. LaPierre presented her case for approval of an existing second
unit. The property is zoned R-10 and a two family is a permitted use.**

**Jim Miller made a motion to approve
Nick Pasyanos seconded**

Approved 5 – 0

**Petition of: Lost Beech Realty Trust LLC- 183 Eustis Ave - Newport, RI
(owner) - Mark Desjardins- 19 West Main Road- Middletown, RI
(applicant)- for a Special Use Permit from Section 1212- to allow a 30
square foot internally illuminated channel letter sign. Said real estate
located at 19 West Main Rd and further identified as Lot 136 on Tax
Assessor's Plat 108SW.**

Mr. Desjardins presented his case for a replacement sign with a new Domino's logo. The proposed sign consists of internally illuminated channel letters. Discussion followed regarding the length of time the sign will be illuminated. Mr. Desjardins explained the sign would only be on during business hours and ½ hour after closing.

Tom Silveira made a motion to approve the sign with the stipulation that it will only remain lit during open hours and will be shut off 30 minutes after closing.

Robert Novick Seconded

Approved 5 – 0

Petition of: W. Mark Miller & Donna McEntee Miller- 1 Indian Terrace- Middletown, RI (owners)- by their attorney Robert M. Silvia- 1100 Aquidneck Ave- Middletown, RI- for a Variance from Sections 802(B) - to permit the reconstruction and renovation of a legal non-conforming, residential, single family dwelling structure pursuant to plans filed herewith. Said real estate located at 1 Indian Terrace and further identified as Lot 37 on Tax Assessor's Plat 129.

Mr. Silva appeared on behalf of his clients. The structure originally was going through rehabilitation. Upon inspection by the building official it was determined that more work would be required. The

reconstruction will maintain the same footprint with a slight change to the roof. The modifications will bring it in line with current building codes.

Tom Silveira made a motion to approve the petition as presented.

Robert Novick seconded

Approved 5 - 0

Petition of: Helen & David Lincoln- 1108 Green End Ave- Middletown, RI (owners) - for a Variance from Section 603, 701 & 803G - to construct a 14'x22.3' addition with a front yard setback of 39' where 40' is required a right side setback of 14.1' where 30' is required and a rear yard setback of 38.3' where 60' is required resulting in lot coverage of 17.7% where 15% is allowed. . Said real estate located at 1108 Green End Ave and further identified as Lot 39 on Tax Assessor's Plat 125.

Mr. Lincoln presented his petition for dimensional relief. The unique dimension of the property was taken into account.

Tom Silveira made a motion to approve

Nick Pasyanos seconded.

Approved 5 – 0

Petition of: Gerard M Downing- 1490 Wapping Rd- Middletown, RI (owner) Peter Downing- 1490 Wapping Rd- Middletown, RI (applicant)- for a Special Use Permit from Section 803A- to allow the expansion of a two family non-conforming use. Said real estate located at 1490 Wapping Rd and further identified as Lot 102 on Tax Assessor's Plat 125.

Gerald Downing presented his petition. The building official brought to light issues with the property and former uses. He requested that the board continue the petition to the November 24th meeting. John Crimmins gave testimony regarding an unauthorized apartment.

Jim Miller made a motion to continue the petition to the November 24, meeting

Robert Novick seconded

Aproved 5 - 0

8:30 p.m. Meeting adjourned by Chairman